

DEFENDANTS' JURY INSTRUCTION NO. \_\_\_\_

Mr. Nixon and Mr. Taybron have offered evidence that they were acting in self-defense. Use of force is justified when a person reasonably believes that it is necessary for the defense of oneself or another against the immediate use of unlawful force.

A person acting in self defense, however, must use no more force than appears reasonably necessary under all of the circumstances. Force likely to cause death or great bodily harm is justified in self-defense only if a person reasonably believes that such force is necessary in order to prevent death or great bodily harm.

This is an objective test. In determining whether the use of force in self-defense was reasonable, you should consider whether under the same facts and circumstances a prudent person faced with the same situation would have believed that there were grounds to fear immediate death or seriously bodily injury.

In evaluating whether Mr. Nixon and Mr. Taybron acted in self-defense, I remind you that the burden of proof remains at all times on the government. Thus, before finding the defendants guilty, you must find beyond a reasonable doubt that Mr. Nixon and Mr. Taybron did not act in self-defense as described in this instruction. If you have reasonable doubt whether Mr. Nixon and Mr. Taybron acted in self-defense, your verdict must be not guilty.

**Authority:** See United States v. Drotleff, 497 F. App'x 357 (4th Cir. 2012) (adapted from 2A Kevin F. O'Malley, et al., Federal Jury Practice and Instructions: Criminal § 45:19 (modified) (6th ed. 2008); 1 L. Sand, et al., Modern Federal Jury Instructions, Instruction No. 8-9 (2010); U.S. Dep't of the Army, Pam. 27-9, Military Judge's Benchbook 5-2-1 (2010)).

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